

FILED

03 JUL 16 PM 2:06

RICHARD WIEKING
DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**Name ROSENBAUM VINCENT L
(Last) (First) (Initial)Prisoner Number 2069375Institutional Address 2100 NAPA VALLEJO HIGHWAY
NAPA, CALIFORNIA 94558**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**VINCENT LEE ROSENBAUM

(Enter the full name of plaintiff in this action.)

vs.

CV**08**

Case No.

3436

(To be provided by the clerk of court)

ED FOULK - EXECUTIVE
DIRECTOR NAPA STATE HOSPITALTHOMAS ALLMAN - SHERIFFOF MENDOCINO COUNTY

(Enter the full name of respondent(s) or jailor in this action.)

Read Comments Carefully Before Filling In**When and Where to File**

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or
3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which
4 you are imprisoned or by whom you were convicted and sentenced. These are not proper
5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief
7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose
8 custody you are now and the Attorney General of the state in which the judgment you seek to attack
9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition? NOT CONVICTED

12 (a) Name and location of court that imposed sentence (for example; Alameda
13 County Superior Court, Oakland):

14 _____
15 Court

Location

16 (b) Case number, if known _____

17 (c) Date and terms of sentence _____

18 (d) Are you now in custody serving this term? (Custody means being in jail, on
19 parole or probation, etc.) Yes _____ No _____

20 Where?

21 Name of Institution: _____

22 Address: _____

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for
24 more than one crime, list each crime separately using Penal Code numbers if known. If you are
25 challenging more than one sentence, you should file a different petition for each sentence.)

26 I WAS COMMITTED, BUT THAT ORDER WAS
27 VACATED JULY 9, 2008 BY SUPREME COURT
28 OF CALIFORNIA CASE NO. S163898
SOON TO RETURN TO JAIL OR SHERIFFS CUSTODY
PET. FOR WRIT OF HAB. CORPUS - 2 -

3. Did you have any of the following?

Arraignment:

Yes ☒ No ☐

Preliminary Hearing:

Yes ☐ No ☒

Motion to Suppress:

Yes ☐ No ☒

4. How did you plead?

Guilty ☐ Not Guilty ☒ Nolo Contendere ☐

Any other plea (specify) MOSES SAID "LET MY PEOPLE GO"

5. If you went to trial, what kind of trial did you have?

Jury ☐ Judge alone ☐ Judge alone on a transcript ☐

6. Did you testify at your trial?

Yes ☒ No ☐

7. Did you have an attorney at the following proceedings:

(a) Arraignment

Yes ☐ No ☒

(b) Preliminary hearing

Yes ☐ No ☒

(c) Time of plea

Yes ☐ No ☒

(d) Trial

Yes ☐ No ☒

(e) Sentencing

Yes ☐ No ☒

(f) Appeal

Yes ☒ No ☐

(g) Other post-conviction proceeding

Yes ☐ No ☒

8. Did you appeal your conviction?

Yes ☐ No ☒

NOT CONVICTED

(a) If you did, to what court(s) did you appeal?

Court of Appeal

Yes ☐ No ☐

Year: _____

Result: _____

Supreme Court of California

Yes ☐ No ☐

Year: _____

Result: _____

Any other court

Yes ☐ No ☐

Year: _____

Result: _____

(b) If you appealed, were the grounds the same as those that you are raising in this

petition?

Yes ☒ No ☐

(c) Was there an opinion?

Yes ☒ No ☐

(d) Did you seek permission to file a late appeal under Rule 31(a)?

Yes ☐ No ☒

If you did, give the name of the court and the result:

SUPREME COURT OF CALIFORNIA
JUDGMENT 7/9/08 CASE NO: S163898

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes ☒ No ☐

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: MENDOCINO SUPERIOR COURT

Type of Proceeding: Habeas CORPUS 10/28/06

Grounds raised (Be brief but specific):

a. N/A

b. _____

c. _____

d. _____

Result: Refused to Answer Date of Result: _____

II. Name of Court: U.S. DISTRICT COURT

Type of Proceeding: 42 U.S.C 1983

Grounds raised (Be brief but specific):

1 a. DOCTORS Perjury

2 b. _____

3 c. _____

4 d. _____

5 Result: PENDING Date of Result: _____

6 III. Name of Court: U.S. DISTRICT COURT

7 Type of Proceeding: 42 U.S.C. 1983

8 Grounds raised (Be brief but specific):

9 a. POLICE OFFICERS PERJURY

10 b. _____

11 c. _____

12 d. _____

13 Result: PENDING Date of Result: _____

14 IV. Name of Court: U.S. DISTRICT COURT

15 Type of Proceeding: 42 U.S.C. 1983

16 Grounds raised (Be brief but specific):

17 a. JUDICIAL MISCONDUCT

18 b. _____

19 c. _____

20 d. _____

21 Result: PENDING Date of Result: _____

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes ✓ No _____

24 Name and location of court: SUPREME COURT

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to
27 support each claim. For example, what legal right or privilege were you denied? What happened?

28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim. (EXTRA SHEETS)

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).] FIRST Habeas this case
5163898

5 Claim One: DENIED SPEEDY TRIAL

6 VI AMENDMENT OF THE CONSTITUTION

7 Supporting Facts: ARRESTED 10/19/06 ARRAIGNED 10/23/06
8 COMMITTED 12/26/06 - 69 DAYS NO TRIAL
9 4/13/07 COURT APPEARANCE - RECOMMITTED
10 70 DAYS NO TRIAL, DID NOT WAIVE TIME

11 Claim Two: POLICE STOLE PROPERTY ILLEGALLY

12 V AMENDMENT THE U.S. CONSTITUTION

13 Supporting Facts: GLENN STARK STOLE PROPERTY
14 ILLEGALLY 9/22/2006 WHICH INCLUDES CASH,
15 CHECKS AND CELL PHONE, I FILED A COM-
16 PLAINT WITH (FCC) SEE EXHIBIT A

17 Claim Three: REFUSED MARSDEN HEARING

18 VI AMENDMENT OF THE U.S. CONSTITUTION

19 Supporting Facts: OVER 500 DAYS OF TRIAL I HAVE
20 BEEN REFUSED A MARSDEN HEARING!
21 THE STATE COURT OF APPEAL RULED THIS IS A
22 PREJUDICIAL ERROR, VACATED COMMITMENT (EXTRA
SHEETS)

23 If any of these grounds was not previously presented to any other court, state briefly which
24 grounds were not presented and why:

25 ALL HAVE PREVIOUSLY BEEN PRESENTED
26 I HAVE INCLUDED MORE THAN 3 GROUNDS
27 AND PLAN TO SEND IN SOME SUPPLEMENTAL
28 ATTACHMENTS THIS WEEK

List, by name and citation only, any cases that you think are close factually to yours so that they are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning of these cases:

PEOPLE V MARSDEN (1970) 2 cal. 3d 118, 465 P. 2d 44, 84 Cal. Rptr. 156
Rhinehart v MUNICIPAL COURT (1984) 35 Cal. 3d 772, 776)
PEOPLE V MARTINEZ (2000)

Do you have an attorney for this petition?

Yes _____ No ☒

If you do, give the name and address of your attorney:

WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

Executed on 7/14/08
 Date

Vincent Rosenbalm
 Signature of Petitioner

(EXTRA GROUNDS INCLUDED)

(Rev. 6/02)

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 **INSTRUCTIONS FOR PRISONER'S**
4 **IN FORMA PAUPERIS APPLICATION**

5 You must submit to the court a completed Prisoner's In Forma Pauperis Application if you
6 are unable to pay the entire filing fee at the time you file your complaint or petition. Your application
7 must include copies of the prisoner trust account statement showing transactions for the last six
8 months and a certificate of funds in prisoner's account, signed by an authorized officer of the
9 institution.

10 **A. Non-habeas Civil Actions**

11 The filing fee for any civil action other than a habeas is \$350.00. Even if you are granted
12 leave to proceed in forma pauperis, you must still pay the full amount of the court's filing fee, but the
13 fee will be paid in several installments. 28 U.S.C. § 1915.

14 You must pay an initial partial filing fee of 20 percent of the greater of (a) the average
15 monthly deposits to your account for the 6-month period immediately before the complaint was filed
16 or (b) the average monthly balance in your account for the 6-month period immediately before the
17 complaint was filed. The court will use the information provided on the certificate of funds and the
18 trust account statement to determine the filing fee immediately due and will send instructions to you
19 and the prison trust account office for payment if in forma pauperis status is granted.

20 After the initial partial filing fee is paid, your prison's trust account office will forward to the
21 court each month 20 percent of the most recent month's income to your prison trust account, to the
22 extent the account balance exceeds ten dollars (\$10.00). Monthly payments will be required until
23 the full filing fee is paid. If you have no funds over ten dollars (\$10.00) in your account, you will not
24 be required to pay part of the filing fee that month.

25 **If your application to proceed in forma pauperis is granted, you will be liable for the**
26 **full \$350.00 filing fee even if your civil action is dismissed. That means the court will**
27 **continue to collect payments until the entire filing fee is paid. However, if you do not**
28 **submit this completed application the action will be dismissed without prejudice and the**
filing fee will not be collected.

29 **B. Habeas Actions**

30 The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in forma
31 pauperis you will not be required to pay any portion of this fee. If you are not granted leave to
32 proceed in forma pauperis you must pay the fee in one payment and not in installments. **If you use**
33 **a habeas form to file a non-habeas civil action, you will be required to pay the \$350.00 filing**
34 **fee applicable to all non-habeas civil actions.**

JULY 9, 2008 SUPREME COURT CASE NO: S163898

TO THE COURT CLERK MR. WIEKING 7/14/08

My name is VINCENT ROSENBALM
AND I AM APPEALING A SUPREME
COURT OF CALIFORNIA JUDGMENT
DATED JULY 9, 2008. I HAVE NOT
BEEN CONVICTED, BUT WAS
COMMITTED ON 12/26/06 AND
THEN AGAIN 4/13/07 TO NAPA
STATE HOSPITAL. THE JUDGMENT OF
JULY 9, 2008 IS TO VACATE THE
COMMITMENT ORDER DUE TO A
PREJUDICIAL ERROR AND SEND ME
BACK TO SUPERIOR COURT. I MAY
BE IN THE COUNTY JAIL SOON (UKIAH, CA)
OR POSSIBLY RELEASED. Address

LOW GAP JAIL

951 LONG GAP ROAD

UKIAH, CA 95482

I WILL KEEP YOU INFORMED
OF MY WHEREABOUTS AND
HOPEFULLY THIS MALICIOUS
PROSECUTION WILL COME TO AN
END. I HAVE THIS AND OTHER
MATTERS PENDING IN YOUR COURT.

VINCENT ROSENBALM

Vincent Rosenbalm

PROOF OF SERVICE 7/14/08

I am Vincent Rosenbalm an American Citizen over 18 years of age.

ON 7/14/08 I served the within

1) Fed Habeas Corpus

2) 4 PAGES SUPPLEMENTAL

3) 4 EXHIBITS (A, B, C, D)

4) Letter Clerk 5) Check \$5.00

By placing a copy in the Napa State Hospital Mail Addressed

Court Clerk

U.S. DISTRICT COURT

450 GOLDENGATE AVE

SAN FRANCISCO, CA 94102

From

Vincent Rosenbalm

2100 Napa Valley Highway

Napa, CA 94558

Under the Penalty of Perjury
this is true and correct to
the best of my knowledge.

Vincent Rosenbalm

HABEAS CORPUS SUPPLEMENTAL

VINCENT ROSENBALM

7/14/08

2100 NAPA VALLEJO HIGHWAY

NAPA, CALIFORNIA 94558

GROUND 1 SPEEDY TRIAL

I HAVE NOT WAIVED TIME AND

YET 70 DAYS OF SUPERIOR COURT TIME

HAS PASSED. I WAS ARRESTED 10/19/06

AND ARRAIGNED 10/23/06, COMMITTED 12/26/06

HELD IN THE COUNTY JAIL 3 MONTHS,

OVER 100 DAYS WITH NO TRIAL, TAKEN

TO COURT SAME CASE 4/13/07 AND

RECOMMITTED. 69 DAYS 10/19/06 - 12/26/06

AND 70 DAYS 4/13/07 SEE PENAL CODE 1382.

GROUND II POLICE STOLE PROPERTY

POLICE HAVE COMMITTED HUNDREDS OF

CRIMES AND STOLEN PROPERTY AND DONE

MILLIONS IN DAMAGES IN THIS CASE.

(SEE EXHIBIT A)

GROUND 3 REFUSED MARSDEN HEARING

OVER 500 DAYS I HAVE BEEN REFUSED

DUE PROCESS IS VIOLATED.

GROUND 4 DENIED BAIL

I WAS ORIGINALLY (OR) IN THIS MATTER

THEN BAILED OUT OF JAIL, BUT JUDGE

MAYFIELD RESCINDED MY BAIL NO REASON

CRUEL AND UNUSAL PUNISHMENT

GROUND 5 POLICE PERJURY

SEVERAL POLICE OFFICERS HAVE COM-

mitted Perjury along with other crimes.

GROUND 6 POLICE THREATS

A MENDOCINO SHERIFF THREATENED TO
KILL MY FAMILY MEMBER - BAD KARMA

GROUND 7 DOCTORS PERJURY - DOCTOR

ROSOFF COMMITTED PERJURY ON A
11/06/06 DOCTORS REPORT, I HAVE
FILED A COMPLAINT WITH THE MEDICAL
BOARD. DR. WILTSE COMMITTED PERJURY
2/20/07 ON A DOCTORS REPORT.

GROUND 8 PENAL CODE 859b states

IF I AM DENIED PRELIMINARY IN 60 DAYS, RELEASE

GROUND 9 - DENIAL OF RELIGIOUS SERVICES

ED FOULK - EXECUTIVE DIRECTOR HAS
MADE IT A POINT TO DENY ME
ACCESS TO THE JEWISH SYNAGOGUE
AND VIOLATE OTHER RIGHTS ALSO, TO
PROPERLY WORD THIS I SHOULD SAY
ED FOULK AND HIS STAFF HAVE DONE
THIS. WHAT MAKES MATTER EVEN
WORSE THEY ATTEMPTED TO KILL ME
AND DRUG ME ILLEGALLY. THIS IS
A SERIOUS MATTER TO BE THE VICTIM
OF A HATE CRIME AND VISCIOUS
ATTACK. (SEE EXHIBIT C!)

GROUND 10 REFUSAL TO ANSWER HABEAS WRIT

JUDGE MAYFIELD IN UKIAH HAS FAILED
TO ANSWER A HABEAS CORPUS WRIT

1 GROUND 10 - FOR OVER 500 DAYS IN
2 VIOLATION OF ARTICLE 6 SECTION 19
3 OF THE STATE CONSTITUTION, SHE
4 NEEDS HER SALARY STOPPED UNTIL
5 I AM RELEASED FROM ILLEGAL CUSTODY
6 THIS IS A VIOLATION OF THE 1ST AMEN-
7 DMENT OF THE U.S. CONSTITUTION THE
8 RIGHT TO PETITION THE COURTS.
9 (SEE EXHIBIT D!) THIS HABEAS CORPUS
10 WAS SUBMITTED TO SUPERIOR COURT
11 ON 10/23/06 AND REMAINS UN-
12 ANSWERED.

13 GROUND 11 DENIAL OF COMPETENCY HEARING
14 GROUND 12 DENIAL OF DISCOVERY
15 GROUND 13 DENIAL OF WITNESSES
16 GROUND 14 JUDICIAL MISCONDUCT
17 GROUND 15 REFUSAL TO RETURN PROPERTY
18 GROUND 16 MALICIOUS PROSECUTION
19 GROUND 17 HATE CRIME (ATTACKS 5/3/07)
20 GROUND 18 DENIAL SEARCH WARRANT CHALLENGE
21 GROUND 19 INEFFECTIVE ASSISTANCE OF
22 COUNSEL ATTORNEY JULIA SPIKES
23 REFUSED TO "ARGUE ALL ISSUES THAT
24 ARE ARGUABLE" PEOPLE V FEGGANS (1967)
25 GROUNDS FOR REVERSAL
26 GROUND 20 - INTERLOCUTORY ORDER
27 GROUND 21 - JUDGE HENDERSON - FALSIFY
28 COURT DOCUMENTS (EXHIBIT B)

GROUND 22 - WRONG NAME ON 4/13/07 ORDER
TO INVOLUNTARY MEDICATE ME, THATS
RIGHTS I CAME TO THIS HOSPITAL
UNDER THE WRONG NAME ON THE
COURT ORDER BY JUDGE BRENNAN.

GROUND 23 - DENIAL OF ACCESS TO COURTS
ONE COPY MACHINE FOR ABOUT 1100 PATIENTS
ONE LAW COMPUTER AND REFUSAL MAIL
SERVICE.

GROUND 24 - MAIL TAMPERING

GROUND 25 - DENIAL OF MEDICAL

GROUND 26 - DOGS STOLEN

GROUND 27 - REFUSAL OF COUNSEL

I MAY SEND SOME SUPPLEMENTALS
TO THESE GROUNDS IN THE NEAR
FUTURE, BUT HAVE ARGUED SOME OF
THE MAIN POINTS. I HAVE NOT BEEN
CONVICTED OF ANY CRIME BUT
ILLEGALLY INCARCERATED ABOUT
20 MONTHS OR MORE. I MAY
END UP WITH A CHANGE OF CUSTODY
SOON BUT WILL INFORM YOU OF IT.
UNDER THE PENALTY OF PERJURY
THIS IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE.

Vincent Rosenbalm

7/14/08

~~EXHIBIT A~~

**U.S. District Court
Northern District of California
3/10/08**

This complaint is based on the misconduct of Police Officer Glenn Stark who I believe committed dozens of crimes on or about September 22, 2006 in Mendocino County. Some of the crimes I believe he committed include:

- Perjury
- Extortion
- Theft
- Burglary
- Illegal Imprisonment
- Kidnapping

After a traffic stop on or about 9/22/06 Mr Stark stole about \$5600 cash and checks and booked me to appear in court, yet no case ever appeared on the court docket?? After I was release OR from the police station I found my house destroyed and a search warrant from Glenn Stark in my house. Jewelry, vacation and travel vouchers were missing from my resident and other important property. The search warrant was missing a DA signature on it. How can a search warrant with no DA signature be legal. He also took my cell phone after arrest, other crimes were committed.

Vincent Rosenbalm

3/10/08

EXHIBIT D

California Constitution

Article VI. JUDICIAL

Current through the November 2006 Election

Sec. 19.

The Legislature shall prescribe compensation for judges of courts of record.

A judge of a court of record may not receive the salary for the judicial office held by the judge while any cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision.

EXHIBIT B

Citizens Complaint Penal Code 832.5

Sheriff Thomas Allman

Judge Richard Henderson recently filed wrong court dates and falsified court records in CaseNumber SCUK CRCR 08-84434 and also put the wrong name of defendants in the caption on Case number MCUK CVUD 06-10320 in which Sheriff Thomas Allman illegally took a large amount of property from my house while in Jail for Case MCUK CRCR 06-74005 which is also on appeal in the Supreme Court of California CASE S163898. I want my property back Sheriff Allman took and am pressing charges in Federal Court against Judge Henderson and Sheriff Allman. I never was in Court for arraignment on Sunday October 29, 2006, the correct date is October 23, 2006 and the date of my commitment was December 26, 2006 and not December 21, 2006 as Judge Henderson suggests. Sheriff Allman and Judge Henderson have done millions of dollars of damage illegally falsifying court documents and taking property illegally. I believe Judge Henderson is attempting to hide the fact I did not get a trial in 60 days.

Under the penalty of perjury this is true and correct to the best of my knowledge. Vincent Rosenbalm

~~EXHIBIT C~~

6

Citizens Complaint Penal Code 832.5

My name is Vincent Rosenbalm and I am illegally imprisoned my Ed Foulk who is in charge of Napa State Hospital in Napa, California. Ed Foulk has made it a point to violate my constitutional rights while incarcerated here from February 7, 2007 to present. I have been denied access to a typewriter or computer for months and now only can use one half and hour a day? I was refused religious services of my choice, because ED Foulk and his staff refused me access to the Jewish synagogue for over 6 months from February to August. This is in violation of the Unruh Act! Furthermore I have been denied mail service several times. His staff beat me and attempted to kill me in May after they drugged me illegally; I consider this a serious offense to be poisoned illegally. Doctor Wiltse filed a false Doctors report to illegally drug me on or about February 20, 2007. My hope is Ed Foulk comes to realize the serious consequences of his actions and this court case is stopped and I am released.

Signature *Vincent Rosenbalm*

Date *1 / 3 / 08*

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**INSTRUCTIONS FOR FILING A PETITION FOR A WRIT OF HABEAS CORPUS
BY A PERSON IN STATE CUSTODY UNDER 28 U.S.C. §§ 2254**

I. Scope of 28 U.S.C. §§ 2254

You may file a petition for a writ of habeas corpus under 28 U.S.C. §§ 2254 if you are in custody pursuant to the judgment of a state court in violation of the federal Constitution or federal laws. You may challenge either the fact or duration of your state sentence; however, any challenge to violations of the federal Constitution or federal law that affects the conditions, as opposed to the fact or duration, of your confinement should be brought in a civil rights complaint under 42 U.S.C. §§ 1983. If you want to file a civil rights complaint under 42 U.S.C. §§ 1983, you may do so on forms provided by the clerk of the court.

Note that a petition for a writ of habeas corpus under 28 U.S.C. §§ 2254 will not be granted unless it appears that you have exhausted the remedies available in state court.

II. Filing a Petition

To start a habeas action, you must send the court the following items: (1) an original petition and (2) a check or money order for \$5.00 or an original Prisoner's Application to Proceed In Forma Pauperis. In addition to these instructions, this packet includes a petition for a writ of habeas corpus form and an Application to Proceed In Forma Pauperis. You must use the forms provided with this packet and not any other version. You should keep a copy of the petition and in forma pauperis application for your own records.

When you have completed the forms, mail the originals to Clerk of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

NOTE: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).

III. Filing Fees

In order for the petition to be filed, it must be accompanied by the filing fee of \$5.00. If you are unable to pay the filing fee, you may petition the court to proceed in forma pauperis. A Prisoner's Application to Proceed In Forma Pauperis form for this purpose is included in this packet. You must complete the application, sign it and declare under penalty of perjury that the facts stated therein are correct. File the application with your petition and keep a copy for your records.

IV. Petition Form

Your petition must be legibly handwritten or typewritten, and you must sign it and declare under penalty of perjury that the facts stated in it are correct. Read the entire petition form before answering any questions. You will note that brief explanatory comments appear throughout the form. Read these carefully before you answer the questions because they are intended to help you fill out the petition as well as ensure that you file your petition in the proper court.

1 Complete all applicable questions in the proper blank spaces. If you need additional space to
2 answer a question, you may attach additional blank pages. Make clear the question to which any such
continued answer refers.

3 Only one sentence or conviction may be challenged in a single petition. If you challenge more
4 than one, you must do so by separate petitions.

5 **V. After Petition Is Filed**

6 You will be notified as soon as the court issues an order. It is your responsibility to keep the
7 court informed of any changes of address to ensure that you receive court orders. Failure to do so may
result in dismissal of your suit.

8 **VI. Inquiries And Copying Requests**

9 Because of the large volume of cases filed by inmates in this court and limited court resources,
10 the court will not answer inquiries concerning the status of your case or provide copies of documents,
except at a charge of fifty cents (\$0.50) per page. You must therefore keep copies of all documents
submitted to the court for your own records.

Court Name: U.S. District Court, NDCA
Division: 3
Receipt Number: 34611021300
Cashier ID: sprinka
Transaction Date: 07/16/2008
Payer Name: VINCENT ROSENBALM

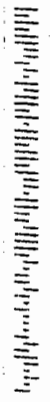
WRIT OF HABEAS CORPUS
For: VINCENT ROSENBALM
Amount: \$5.00

CHECK
Check/Money Order Num: 12918
Amt Tendered: \$5.00

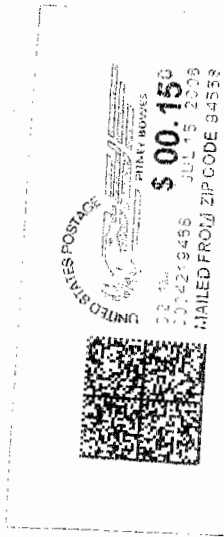
Total Due: \$5.00
Total Tendered: \$5.00
Change Amt: \$0.00

00-3436SI-PR

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.



2100 Napa Valley Highway
Napa, CA 94558



LEGAL MAIL

COURT CLERK

U.S. DISTRICT COURT

450 GOLDEN GATE AVE.

SAN FRANCISCO, CA 94102